IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 220 OF 2007

Babu Laxman Shedge & Ors.... ....Petitioners.
V/s
The State of Maharashtra & Ors.. ....Respondents.

Mr.R.R.Mishra, Adv. For the petitioners.

Ms.V.S.Mhaisapurkar, AGP for respondent Nos. 1 to 3.

Mr.M.B.Jadhav, Adv. For respondent No.4.

CORAM: A.P.DESHPANDE, J.

2/8/07

PC:

The present petitioner Nos. 1 to 9 claim to be elected members of the managing committee of petitioner No.10-society. The respondent No.4 claims to be the Promoter of the Society and hence was in possession of record of the society. Under the orders passed by authorities directions were issued for handing over of record by respondent No.4 to the petitioners. Accordingly record of the society came to be handed over to petitioner Nos. 1 to 9. By the impugned order it had been directed that the petitioners should hand over the record back to respondent No.4. This Court while issuing notice has granted interim relief in the nature of stay of the impugned order on account of which the petitioners continue to possess the record of the society. It is undisputed that the term of the elected body is for a period of three years. Petitioner Nos. 1 to 9 were elected on 16.3.04 and thus on expiry of three years the term had come to an end on 15.3.07. It is thus obvious that elections are due. Both the learned counsel for respective parties are in agreement that cause of justice would advance if appropriate directions are given to the officer from Cooperative department to

conduct the elections of members of the managing committee of the society-petitioner No.10. I am also of the view that as elections are due the proper course to be adopted would be to direct the Assistant Registrar, Cooperative Societies to conduct election of petitioner No.10-society. Learned AGP appearing for respondent Nos. 1 to 3 on instructions from respondent submits that one Mr.B.M.Kakad, Cooperative Officer, Grade II from the office of the Assistant Registrar, Cooperative Societies, SRA, Bandra (E), Mumbai will conduct the election. Hence I pass the following order :

i) Petitioner Nos.1 to 9 to hand over the charge to Shri B.M.Kakad within two weeks from today;

ii) Shri B.M.Kakad, Cooperative Officer, Grade II is directed to hold election of the managing committee of petitioner No.10-society in accordance with law and complete the process within a period of two months from today.

iii) Shri B.M.Kakad shall act as an Election Officer and shall after election declare the results of election and hand over charge to newly elected body.

Hence writ petition is partly allowed and disposed of accordingly.

2.8.07